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EXAMINER

QURESHI, SHABANA

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 10

Application Number: 09/576,696
Filing Date: 5/23/00
Appellant(s): ALESSANDRO DONATELLI

Gerald R. Woods, Reg. No. 24, 144
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 22 January 2004 (Paper No. 9).

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement of the grouping of claims in the brief is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief on pages 7-11 is correct.

(9) *Prior Art of Record*

6,219,694	LAZARIDIS et al.	04-2001
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(10) *Grounds of Rejection*

The following grounds of rejection are applicable to the appealed claims:

Claims 17-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazaridis et al (US 6,219,694 B1).

Lazaridis discloses a system substantially as claimed. Lazaridis discloses a system in which a redirector program operates at either a host or a pervasive device (column 4, lines 39-49). The redirection program pushes data back and forth from the host to the pervasive device and vice versa when a predetermined event occurs (column 6, lines 49-61).

As to claims 17, 22, 28, and 32, Lazaridis et al teach a gateway component resident on a workstation, the gateway component being instantiable during synchronization (constant pushing

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of data back and forth between the host and pervasive device (column 6, lines 49-61) of the workstation with a pervasive device and comprising:

- means for transferring a device agent to a pervasive device (column 10, lines 21-38; column 4, lines 39-49, “redirection program and associated programs”);
- means for transmitting configuration information to the device agent, the agent comprising means for executing configuration commands in response to the configuration information received from the gateway component (column 3, line 9 – column 4, line 39; column 10, lines 21-67, device agents are any of the various sub-systems such as e-mail, data, messages, signals, event triggers, etc. which are transferred to the pervasive device, where they execute the appropriate configurations).

As to claim 18, Lazaridis et al teach a gateway component as defined in claim 17, further including:

- means for receiving a file from a management server including the address of a specific pervasive device and one or more commands (column 3, line 19 – column 4, line 39);
- means for generating device-specific commands based on the received file (column 3, lines 9-50); and
- means for forwarding the device-specific commands to the device agent at the specific pervasive device identified in the file received from the management server, the device agent executing the device-specific commands as they are received (column 3, lines 9-50, device agents respond to predetermined configuration

information or internal or external events to further perform configuration on the pervasive device).

As to claim 19, Lazaridis et al teaches a gateway component as identified in claim 18, wherein the commands comprise commands for removing files from the specific pervasive device (column 6, lines 7-30).

As to claim 20, Lazaridis et al teaches a gateway component as identified in claim 17, further including:

- means for receiving a file from a management server including the address of a specific pervasive device and one or more commands (column 3, lines 36-43);
- means for generating device-specific commands based on the received file (column 3, lines 9-65); and
- means for forwarding the device-specific commands to the device agent at the specific pervasive device identified in the file received from the management server, the device agent storing the device-specific commands for execution after all are received (column 3, lines 9-65).

As to claim 21, Lazaridis et al teach a gateway component as identified in claim 20 wherein the commands comprising database or application configuration commands (column 3, lines 9-65).

As to claims 23, 24, 29 and 30, Lazaridis et al teach a system as defined in claim 22, wherein the device agent in the pervasive device component includes means for deleting the configuration commands when the pervasive device has been configured (column 6, lines 7-30).

As to claim 25, Lazaridis et al teach a system as defined in claim 22 further including:

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- a controller resident on the workstation for pervasive devices of a given type, the controller instantiating one or more during synchronization of devices of the given type (column 9, lines 34-50); and
- an enabling component including means for configuring the controller to add the gateway component as a module to any modules instantiated during synchronization of pervasive devices of the given type (column 10, lines 21-67).

As to claim 26, Lazaridis et al teach a system as defined in claim 25, wherein the pervasive device is a Palm Computing Platform device and wherein the controller comprises a mask defining any conduit modules which are instantiated during synchronization of a pervasive device (column 1, lines 9-38) and wherein the enabling component comprises means for configuring the controller to selectively add the gateway component as a module to any modules which are instantiated during synchronization of the pervasive device (column 10, lines 21-67).

As to claims 27 and 31, Lazaridis et al teach a system as defined in claim 22, wherein the device agent, in response to a request from the gateway agent, performs an inventory of software installed on the pervasive device and returns the inventory to the gateway component (column 3, lines 35-50).

(11) Response to Argument

Appellant argues that the Lazaridis patent is not implemented in a synchronization environment.

In reply, Lazaridis clearly teaches the process of constantly synchronizing the mobile device with the host (column 6, lines 49-55).

Examiner considers the combination of replicating and pushing data as taught by Lazaridis patent to equate to synchronization (column 6, lines 49-55).

As the Appellant noted, Lazaridis discloses "instead of warehousing (or storing) the user's data at the host and synchronizing" after storing, Lazaridis teaches that the mobile unit is constantly synchronizing at the host at all times or as often as the user desires to do so (see column 1, lines 26-34; column 6, lines 49-55). In this passage noted by the Appellant, Lazaridis teaches away from the synchronization performed with a cradle, since it does not allow a user's pervasive device to constantly be updated. He further goes on to state his objective of performing constant redirection and replication based on the user's settings. It is disclosed,

A general problem with these synchronization systems is that the only time that the user data items are replicated between the host system and the mobile data communication device is when the user commands the mobile device to download or pull the user data from the host system. Five minutes later a new message could be sent to the user, but the user would not receive that message until the next time the user fetches the user data items. Thus, a user may fail to respond to an emergency update or message because the user only periodically synchronizes the system, such as once per day. Other problems with these systems include:

- (1) the amount of data to be reconciled between the host and the mobile device can become large if the user does not "synchronize" on a daily or hourly basis, leading to bandwidth difficulties, particularly when the mobile device is communicating via a wireless packet-switched network; and*
- 2) reconciling large amounts of data, as can accrue in these batch-mode synchronization systems, can require a great deal of communication between the host and the mobile device,*

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thus leading to a more complex, costly and energy-inefficient system.

A more automated, continuous, efficient and reliable system of ensuring that user data items are replicated at the user's mobile device is therefore needed (column 1, line 39 – column 2, line 17).

Appellant argues that Lazaridis patent fails to teach the transferring of a device agent from an endpoint/workstation to a pervasive device at the start of a synchronization operation and then using that transferred agent to configure the pervasive device.

In reply, Examiner directs Appellant to column 1, lines 61 – column 2, line 15. This cited portion teaches the redirection or mirroring of user selected data items, as well as items used for configuration.

Although Appellant is arguing that the transferred agent used to configure the device is transferred from the host, Appellant does not specify this detail in his claims.

Examiner also points out that the redirector program can redirect anything (see column 3, lines 9-16) and can also exist on either client or server side (see column 4, lines 39-49). Therefore, the redirector program of the Lazaridis patent is transferred to either endpoint/workstation.

Examiner also interprets a device agent to the redirector program and anything associated to it. Therefore, a message (which may also be used to configure the pervasive device) can be an agent, and is transferred from to/from endpoint/workstation. See column 6, lines 60-67, where the host receives a message, and the message may be transferred to the pervasive device.

Examiner acknowledges that a “message” is anything, such as a device agent.

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Appellant argues that Lazaridis presumes that the pervasive device is already configured by the time his system comes into play.

In reply, Examiner directs the Appellant to column 3, lines 9-65 (see column 3, lines 30-35, where Lazaridis patent clearly teaches that transferred data is used to configure the pervasive device.

Therefore, Lazaridis does not presume that the pervasive device is already configured by the time the system comes into play. If the Appellant wishes to argue that the pervasive device taught by Lazaridis is not initially configured by a device agent sent by the host, the Appellant must clarify the claims to specify the type of configuration he is referring to.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Shabana Qureshi
Examiner
Art Unit 2155



ZARNI MAUNG
PRIMARY EXAMINER

April 5, 2004

Conferees



PATRICE WINDER
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HOSAIN ALAM
SUPERVISORY PATENT EXAMINER